

**STATE OF NEW MEXICO ENVIRONMENT DEPARTMENT
STORAGE TANK COMMITTEE MEETING
State Records Center & Archives/ State Library
Pinon Room, 2nd Floor
1209 Camino Carlos Rey, Santa Fe, NM 87505**

January 2010 Minutes

The meeting of the Storage Tank Committee was called to order by Mr. Jim Norton, Chair, at 10:19 a.m.

Members Present:

Jim Norton, Chair
Ryan Briggs, STC Member
Joseph Chavarria, STC Member
Ruben Baca, STC Member
Ronnie Pynes, STC Member

Others:

Jim Davis, NMED/PSTB
Lorena Goerger, NMED/PSTB
Joyce Shearer, NMED/PSTB
Leann Chavez, NMED/EPD
Cathy Atencio, NMED/EPD

Members Absent:

Paul Aguilar, STC Member

Susan von Gonten, NMED/PSTB
Marlene Cordova, NMED/PSTB
Stephen G. Reuter, NMED/PSTB
Tom Gray, NMED/PSTB
Michael Leger, NMED/PSTB
John Kovacs, NMED/PSTB
George Beaumont, NMED/PSTB
John Casey, Basin Engineering
Bill Brown, Brown Environmental
Liz Brown, Brown Environmental
Michael Hannigan, Basin Engineering
Jenice Gallegos, AMEC

Item #1 ROLL CALL

Roll call was taken and it was determined a quorum was present.

Item #2 APPROVAL OF THE AGENDA

The agenda was changed to add an update on the Marvin Burrows Site and the Grants Triple Site in item #8. The change was noted. Mr. Chavarria moved, to adopt the agenda as amended and seconded by Mr. Briggs. The agenda as amended passed unanimously.

Item #3 APPROVAL OF AUGUST 25, 2009 MINUTES

The Chair called for a motion regarding the October 22, 2009, meeting minutes.

Ronnie Pynes wanted to make it known for the record that he opposed the Governors directive on the Santa Fe Judicial Complex Site. He did not feel the Governor should use his authority to over ride any site for cleanup priority. He wanted this added in the October minutes under Item # 5.

The change was noted, Mr. Pynes moved to approve the October minutes once amended, seconded by Mr. Baca, motion passed unanimously.

Mr. Baca commented that he was also concerned about the fund being used for other projects that do not qualify for it, giving examples of the Terrero Mine project and the Albuquerque Balloon Park.

Item #4 CORRECTIVE ACTION FUND UPDATE

Ms. Marlene Cordova, Finance Manager took the Committee Members through the months of October and November.

October 2009

Beginning Cash	\$ 13,090,551	Reserve	\$ 1,000,000
Loading Fee	1,589,767	Work plan liabilities	9,124,126
Payment	(1,185,247)	Un-obligated	2,620,686
Operating Transfer	(750,258)		
Ending Cash	\$ 12,744,813		

Ms. Cordova reminded the Committee that the operating transfer for November was taken out in October. September had two operating transfers taken out for the months of September and October and October had the operating transfer taken out for the month of November

November 2009

Beginning Cash	\$ 12,744,813	Reserve	\$ 1,000,000
Loading Fee	\$ 1,456,042	Work plan liabilities	9,891,847
Payment	(1,000,645)	Un-obligated	2,308,363
Operating Transfer	(0)		
Ending Cash	\$ 13,200,210		

The Chair made a comment that he was glad to see a low unobligated balance, especially when the Legislature is looking at ways to cut from the budget. He was happy with the way the Bureau has maintained the Fund.

The Committee asked for the month of December to be sent to them before the start of the Legislature so they could have the most current information available to them.

(The entire monthly report is available at www.nmenv.state.nm.us/pstc)

Item # 5 REMEDIAL ACTION SITES UPDATE

Below are the workplan approvals reported by month:

October 2009

<u>Responsible Party</u>		<u>State Lead</u>	
8	\$ 218,744.51	7	\$ 459,001.54
<u>Addendums</u>		<u>Addendums</u>	
5	\$ 172.32	5	\$ 77.08
Total	\$ 218,916.83	Total	\$ 459,078.62
GRAND TOTAL		\$ 677,995.45	

November 2009

<u>Responsible Party</u>		<u>State Lead</u>	
16	\$ 606,583.32	5	\$1,231,369.16
<u>Addendums</u>		<u>Addendums</u>	
1	\$ 4.38	3	\$ 306.49
Total	\$ 606,587.70	Total	\$ 1,231,675.65
GRAND TOTAL		\$1,838,263.35	

Ms. Joyce Shearer, Remedial Action Program Manager, reported that *October* workplan approvals included continued operation and maintenance of a soil-vapor extraction system at the Allsup's # 303 Site in Gallup, investigation of a new large diesel release and possible product recovery at Love's # 257 in Milan and system decommissioning at a Allsup's Site in Dexter. For State Lead (SL) remediation, workplan approvals included costs for abandoning a remediation system at Hobbs City Wells in Hobbs. They are close to closing this site. Abandonment activities were also approved for the Fina Simpson in Tatum which is part of an old Triple Site (includes Johnson Gulf and Cotton Texaco). Groundwater standards have been reached for these three sites. No further action status will be granted once the remediation systems and monitoring wells have been properly abandoned.

Ms. Shearer reported that RP workplan approvals for *November* include costs to operate and maintenance costs for two remediation systems. One is the R.C. Sanders Trucking in Las Cruces, and the second is the Thriftway # 220 Site in Farmington. This also includes costs for investigation at the new release at the Loves # 257 in Milan. The initial estimates are that about twenty thousand gallons of diesel was lost. For State Lead (SL) remediation, activities included costs of installation of a grout wall around the Santa Fe County Judicial Complex construction site. This will prevent any additional product from flowing into the excavation as they are digging for the foundation. Also approved are operation and maintenance cost for the Marvin Burrows Site in Milan.

A discussion followed regarding the Love's # 257 in Milan, Mr. Baca wanted clarification on if it was a new release. Ms. Shearer stated they were ready to NFA an old release and this is a new release. In September product was found in one of the observation wells in the tank. The cause was determined to be piping; a pipe had separated close to the tank pit. Mr. Davis stated they discovered it initially from the inspectors inventory records, the inspector being Keith Chavez. They had a line leak detector test preformed and passed 10 months ago. Since then a follow up pressure test was conducted along with a line leak detector test and they failed both.

The Chair added that this was a perfect example of how important the Fund is, and we still see continued need for cleanup.

Since there was no further questions they move on to the next item.

Item # 6 PREVENTION AND INSPECTION UPDATE

Mr. Jim Davis gave the update for Mr. Kalvin Martin, Prevention Inspection Program Manager. Mr. Davis updated the Committee stating that they still hold two vacancies in this program; a supervisory position in Santa Fe and a staff inspector position in Albuquerque. Due to the State budget circumstances as they are currently, they will not be filled. He continued that the program has been able to meet the three year inspection frequency requirements in the Federal 2005 Energy Policy Act. For the most recent federal year which goes from October 1, 2008 thru September 30, 2009 the statistics that the program reported to EPA were that the program had inspected 927 UST facilities the reason they only report UST is because that is what EPA regulates. This represents 71% of the UST facilities in the State of New Mexico; the program is meeting its requirements.

The Program has also worked with its Federal Inspector out of Region 6 to inspect 13 facilities that contain tanks that are used for emergency generators. These are one of the things the program will attempt to change in its bill in the Legislative session, to correct the definition. These inspections were conducted the first week of November.

The program reported that 67% of all facilities inspected were in compliance with significant operational compliance requirements for release detection requirements. 77% of those facilities were in compliance for release prevention requirements. The Program is continuing to see a dip in the compliance rate this is due to the more stringent inspections being done. The Program is doing this internally to work with the owners because the program wants the compliance rate to come as high as it can. The Program is using this approach as an educational effort with the owners.

The Chair had a question regarding the three year inspection requirement of the Feds. He wanted to know if the Program was inspecting more frequently than the basic requirements. Mr. Davis stated that the Program is inspecting every 15 to 18 months. Problem facilities are inspected more frequently.

The Chair wanted to know the number of USTs and ASTs. Mr. Davis responded the total tank universe is about 5000 of those about 3300 are USTs and 1700 are ASTs.

Item # 7 REGULATION PROCESS UPDATE

Mr. Jim Davis gave the update for Ms. Jennifer Pruett, Tank Fee Manager. He started by directing the Committee to the Memo in their packet addressed to Senator Carroll Leavell from

Mr. Davis. This memo was a briefing memo that the Program plans on using during the Legislative Session. The Bureau met with the Interim Committee and they adopted the bill as a Committee bill Senator Leavell agreed to sponsor it again on the Senate side. Mr. Davis stated it was his understanding that Representative Heaton will carry it in the House. This memo has the same information as the memo that was presented to the Interim Committee. Mr. Davis stated that the Bureau will also ask for a letter of support from the Petroleum Marketers Association.

The Chair reiterated the impact the Program could face if this Bill was not passed this session and the Feds take away this Federal Grant.

Mr. Davis continued with an update on Operator Training, the Bureau has made brochures on Operator Training Requirements, and this information available on the Bureau webpage. The first deadlines for Operator Trainings are July 1, 2010. They apply to owners that have thirteen or more facilities. The Program has phased these in and the large owners are required to have trained operators in place by July 1, 2010. Owners of between 3 and 13 facilities must have trained operators by July 2011, and owners that have only one or two facilities by July 2012. The Program has been working with the Petroleum Marketers Association, with three training sessions that will be held this coming week. The first will be this coming Tuesday in Santa Fe. One will be held Wednesday in Albuquerque, and also one Thursday in Las Cruces. These training sessions are designed specifically for Class A/B Operators. One Trainer has been approved and this trainer has done training in other states specifically Kansas. This is a first step in the Program's process to get Operators trained.

Mr. Baca commented that the Petroleum Marketers Associations will schedule more training in mid-January and again in April, where they plan to hit Farmington, Gallup and Roswell then back to Santa Fe, Albuquerque and Las Cruces.

The Program also has an approved online training for Class-C Operators which are the people who are behind the cash registers. Even the person behind the register needs to have some training on how to operate a fuel system, stated Mr. Davis.

Mr. Baca wanted to clarify that New Mexico is the only State that does not have statutory power for delivery prohibition. Mr. Davis responded that this was correct and that this is the amendment they are seeking in the Legislature this session.

Item # 8 OTHER BUSINESS

Ms. Lorena Goerger presented a PowerPoint presentation on site cleanup activities at the Marvin's Burrow Site in Milan. She explained the process for cleanup and where the cleanup was at now.

A hard copy of the presentation is available at www.nmenv.state.nm.us/pstc

Mr. Michael Leger presented a PowerPoint presentation on site cleanup activities at the Grants Triple Site in Grants. He explained the process for cleanup and where the cleanup was at now.

A hard copy of the presentation is available at www.nmenv.state.nm.us/pstc

Item # 9 NEXT MEETING

The next meeting to be determined.

Item #10 ADJOURNMENT

Mr. Pynes moved to adjourn the Meeting. Mr. Chavarria seconded. The motion passed unanimously.

The meeting adjourned at approximately 11:47 a.m.



Mr. Jim Norton, Chairman

Minutes prepared by: Trina Page